

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

JOAQUÍN CARCAÑO, *et al.*,

Plaintiffs,

v.

PATRICK MCCRORY, in his official capacity as
Governor of North Carolina, *et al.*,

Defendants.

Case No. 1:16-cv-00236

UNC DEFENDANTS' MOTION TO DISMISS

The University of North Carolina, its Board of Governors, and Chairman of the Board W. Louis Bissette, Jr. (collectively UNC Defendants) move to dismiss Plaintiffs' claims against them under Civil Rules 12(b)(1), 12(b)(2), and 12(b)(6).

1. All UNC Defendants move to dismiss all claims against them (First Am. Compl., Counts I–IV, ¶¶ 183–243) under Civil Rule 12(b)(1) because the claims are not justiciable or ripe.

2. The Board and Chairman Bissette move to dismiss all claims against them (First Am. Compl., Counts I–III, ¶¶ 183–234) under Civil Rules 12(b)(1), 12(b)(2), and 12(b)(6) because the claims violate state sovereign immunity.

3. The Board moves to dismiss all claims against it (First Am. Compl., Counts I–III, ¶¶ 183–234) under Civil Rule 12(b)(6) because Plaintiffs lack a cause of action with respect to such claims.

4. All UNC Defendants move to dismiss the prayer for a permanent injunction against them (First Am. Compl., ¶¶ C–D) under Civil Rule 12(b)(6) because Plaintiffs fail to state a claim for such relief.

Dated: July 18, 2016

Respectfully submitted,

/s/ Carolyn C. Pratt

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CERTIFICATE OF SERVICE

I certify that on July 18 2016, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notice of electronic filing to all registered parties.

Dated: July 18, 2016

/s/ Noel J. Francisco

Noel J. Francisco

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